

Joint Standing Committee on Criminal Justice

LD 601

An Act to Provide for Relief from Mandatory Minimum Sentences in Certain Cases

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS	ONTP MAJ OTP-AM MIN	

LD 601, which was carried over from the First Regular Session, proposed to grant a judge authority to deviate from a mandatory minimum sentence and a mandatory minimum fine in certain circumstances and proposed to repeal the mandatory minimum sentences for aggravated trafficking, furnishing or cultivation of scheduled drugs. LD 601 proposed to give a court authority to deviate from statutory mandatory minimum sentences if the gravity of the offense was not diminished or if the public's safety was not adversely affected and if imposing the mandatory sentence would be a substantial injustice and would frustrate the general purposes of sentencing. The bill proposed that, in deviating from imposing a minimum sentence, a court must consider a number of factors, including: the offense, a victim's wishes, prospects for offender rehabilitation and offender age and physical and mental condition.

Committee Amendment "A" (S-434) was the minority report of the Joint Standing Committee on Criminal Justice. The amendment proposed to specify that a court may not suspend or deviate from a mandatory minimum sentence or mandatory minimum fine for violations of the Maine Revised Statutes, Title 29-A. The amendment also proposed to add a fiscal note to the bill. This amendment was not adopted.

LD 611

An Act to Aid Implementation of the Maine Medical Marijuana Act of 1998

PUBLIC 580

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RAND QUINT	OTP-AM MAJ ONTP MIN	S-451

LD 611 was a concept draft pursuant to Joint Rule 208.

This bill was jointly referred to the Health and Human Services Committee and the Criminal Justice Committee and proposed to create a pilot program allowing one medical marijuana distribution center in the State. The center would be incorporated as a nonprofit entity managed and overseen by a diverse community group. In particular, this bill proposed the following.

1. A single nonprofit center, referred to herein as the "center," would be incorporated for the purpose of cultivating and distributing medical marijuana to individuals qualified under the Maine Medical Marijuana Act of 1998. The center would also be authorized to distribute and/or lend cultivation equipment, supplies and seeds to qualified individuals for cultivation for personal use.
2. The center would be overseen and managed by a community board made up of a wide range of individuals drawn from the community area of the center's site. Members of the community board might include members drawn from the following groups: law enforcement, current and former

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patients, patient advocates, hospice facilities, education professionals, legal community, business, pharmacists, clergy, medicine and other groups involved in the community.

3. The framework for the operation of the community board would be included in the enabling legislation. Among other things, the framework would provide for term length of board members, qualifying members as described above, civil and criminal immunity protection for board members and employees acting within the scope of the center's mission and the authorization to use Maine's nonprofit business statute as a basis for organizational structure.
4. The center would be able to charge patients for the product to help cover the cost of the center. The center would also be prohibited from securing medical marijuana from outside the State.
5. A mandatory registry system for patients using the center would be created to ensure that only qualified individuals access the center's services. The system would be maintained by the center with oversight and input from the sheriff of the county within which the center is located. Other law enforcement personnel could confirm the participation of individuals in the center's services, if necessary, through that particular sheriff's office or the center. Among other things, the registry system would consist of a photo identification card, and the center would be authorized by the patient to check with the individual's physician that the individual falls within the provisions of the Maine Medical Marijuana Act of 1998. The center would also check with the appropriate state medical board or with the statewide medical association to determine that the physician is duly licensed to practice in the State.
6. The center would be required to keep records of patients' usage from the center in order to monitor compliance with statutory limits.
7. The center would be required to report to the Legislature within 18 months of commencement of operation concerning the center's operations, an evaluation in meeting patients' needs and the unmet needs of patients. The report could also contain suggestions for additional legislation to meet needs of patients. The Legislature could then take additional action, including the authorization of additional sites within the State.
8. A person qualified under the Maine Medical Marijuana Act of 1998 who possessed appropriate documentation under the current law of that person's qualification at the time of a stop or encounter with law enforcement would not be subject to seizure of a lawful amount of marijuana or the equipment necessary to maintain, grow or consume medical marijuana.

Committee Amendment "A" (S-451) was the report of the majority of the members of 2 committees, the Joint Standing Committee on Criminal Justice and the Joint Standing Committee on Health and Human Services.

This amendment proposed to replace the bill and change the title. It proposed to clarify the definition of a designated care giver for a patient eligible to use marijuana for medical purposes, increase the amount of harvested marijuana that may be possessed for medical purposes from 1.25 ounces to 2.5 ounces and add an affirmative defense provision to clarify that an eligible patient or designated care giver has an affirmative defense under the law passed as a citizen initiative in 1999. It proposed to remove from the bill the provisions that would have established a nonprofit distribution center governed by a community board and a mandatory registration system.

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Enacted law summary

Public Law 2001, chapter 580 clarifies the definition of a designated care giver for a patient eligible to use marijuana for medical purposes, increases the amount of harvested marijuana that may be possessed for medical purposes from 1.25 ounces to 2.5 ounces and adds an affirmative defense provision to clarify that an eligible patient or designated care giver has an affirmative defense under the law passed as a citizen initiative in 1999.

LD 681

An Act Regarding Possession of Firearms by Prohibited Persons

PUBLIC 549

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARR KILKELLY	OTP-AM	H-862

Current law prohibits persons convicted of a crime punishable by a term of imprisonment for one year or more from carrying a firearm. Under federal law, a crime punishable by more than a year in prison is considered a felony. In this State, crimes are not classified as a felony or misdemeanor; instead, crimes are classified by the severity of the punishment that may be imposed. For example, conviction of a Class D or Class E crime is punishable by a definite term of imprisonment less than one year. In some other states, however, a crime is considered a misdemeanor but carries a possible punishment of more than a year in prison. Under the current law, a person convicted of a crime in another state that is punishable by a year or more is prohibited from carrying a firearm in this State, even if the same crime in this State is a Class D or E crime.

LD 681, which was carried over from the First Regular Session, proposed to address that inconsistency by clarifying that the prohibition against carrying a firearm applies to a person convicted of a crime in another state that is punishable in this State as murder or a Class A, B or C crime.

Committee Amendment "A" (H-862) proposed to replace the bill, change the title of the bill and do the following:

1. Amend the headnote of the Maine Revised Statutes, Title 15, chapter 15 to more accurately reflect the intent of the law;
2. Clarify language regarding who is prohibited from possessing a firearm to include persons convicted of or found not criminally responsible by reason of mental disease or defect of committing the following:
 - A. A crime in this State that is punishable by imprisonment for one year or more;
 - B. A crime under the laws of the United States that is punishable by imprisonment for more than one year;
 - C. A crime under the laws of any other state that is punishable by imprisonment for more than one year, except that a crime punishable by imprisonment for more than one year would not include any state misdemeanor that is punishable by a term of imprisonment of 2 years or less;

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- D. A crime under the laws of any other state that is not punishable by more than one year of imprisonment but is elementally substantially similar to a crime in this State that is punishable by imprisonment for one year or more, thus ensuring that if another state had determined that a particular offense was not serious but the Maine Legislature had determined that an elementally substantially similar offense is murder or a Class A, B or C crime if committed in Maine, the person who committed the offense would be prohibited from possession; or
 - E. A crime under the laws of the United States, this State or any other state or the Passamaquoddy Tribe or Penobscot Nation that was committed using a firearm against a person or using any other dangerous weapon;
- 3. Repeal an improper reference to violations of former Title 12, chapter 319, subchapter III as exceptions to the possession prohibition; this chapter was repealed earlier;
 - 4. Define "not criminally responsible by reason of mental disease or defect," "State," "state" and "use of a dangerous weapon" for purposes of Title 15, section 393;
 - 5. Clarify that as a precondition to disqualification for possession of a firearm under Title 15, section 393, subsection 1, paragraph A-1, subparagraph (5) the use of a firearm against a person or the use of a dangerous weapon must be pled in the charging instrument and proven to the fact finder rather than simply being part of the underlying factual matrix of the crime as committed;
 - 6. Amend cross-references in the concealed firearms permit law to be consistent with the proposed changes in this amendment; and
 - 7. Add a fiscal note.

Enacted law summary

Public Law 2001, chapter 549 does the following.

- 1. It amends the headnote of the Maine Revised Statutes, Title 15, chapter 15 to more accurately reflect the intent of the law.
- 2. In order to address potential inequities that may result from the differences in other states' laws as compared to Maine's laws, it clarifies language regarding who is prohibited from possessing a firearm to include persons convicted of or found not criminally responsible by reason of mental disease or defect of committing the following:
 - A. A crime in this State that is punishable by imprisonment for one year or more;
 - B. A crime under the laws of the United States that is punishable by imprisonment for more than one year;
 - C. A crime under the laws of any other state that is punishable by imprisonment for more than one year, except that a crime punishable by imprisonment for more than one year does not include any state misdemeanor that is punishable by a term of imprisonment of 2 years or less;

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- D. A crime under the laws of any other state that is not punishable by more than one year of imprisonment but is elementally substantially similar to a crime in this State that is punishable by imprisonment for one year or more, thus ensuring that if another state has determined that a particular offense is not serious but the Maine Legislature has determined that an elementally substantially similar offense is murder or a Class A, B or C crime if committed in Maine, the person who committed the offense would be prohibited from possession; or
 - E. A crime under the laws of the United States, this State or any other state or the Passamaquoddy Tribe or Penobscot Nation that was committed using a firearm against a person or using any other dangerous weapon.
3. It repeals an improper reference to violations of former Title 12, chapter 319, subchapter III as exceptions to the possession prohibition; this subchapter was repealed earlier.
 4. It defines "not criminally responsible by reason of mental disease or defect," "State," "state" and "use of a dangerous weapon" for purposes of Title 15, section 393.
 5. It clarifies that as a precondition to disqualification for possession of a firearm under Title 15, section 393, subsection 1, paragraph A-1, subparagraph (5) the use of a firearm against a person or the use of a dangerous weapon must be pled in the charging instrument and proven to the fact finder rather than simply being part of the underlying factual matrix of the crime as committed.
 6. It amends cross-references in the concealed firearms permit law to be consistent with the proposed changes in this Public Law.

LD 1081 **An Act to Adopt a New Interstate Compact Regarding Adults Who DIED BETWEEN are on Probation or Parole BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'BRIEN J	OTP MAJ	
MCALEVEY	ONTP MIN	

LD 1081 was carried over from the First Regular Session and proposed to create the Interstate Compact for Adult Offender Supervision.

Committee Amendment "A" (H-162) proposed to add an appropriation section and a fiscal note to the bill. This amendment was not adopted.

House Amendment "A" (H-482) proposed to provide that the rules adopted by the Interstate Commission for Adult Offender Supervision are not considered to have the force and effect of statutory law and do not supersede any laws of the State that are in conflict with the rules. This amendment also proposed to require that the interstate commission's rules be treated as major substantive rules and that the state council created in this State submit the interstate commission's rules to the joint standing committee of the Legislature having jurisdiction over criminal justice matters. The rules would not apply to this State until the Legislature acted to approve the rules. This amendment was not adopted.

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LD 1265

An Act to Clarify the Criminal Extradition Laws

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE W	ONTP	

LD 1265, which was carried over from the First Regular Session, proposed to amend the criminal extradition laws by requiring a judge to inform the person arrested of the person's right to waive extradition. The bill also proposed to require a judge or magistrate to conduct an examination of the person arrested at the time of the person's initial appearance in court.

LD 1330

**Resolve, Establishing the Commission to Examine the Maine
Correctional Institute**

**DIED BETWEEN
BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SKOGLUND	ONTP MAJ	
MICHAUD MH	OTP-AM MIN	

LD 1330, a resolve that was carried over from the First Regular Session, proposed to establish the Commission to Examine the Maine Correctional Institute.

Committee Amendment "A" (H-832) was the minority report of the Joint Standing Committee on Criminal Justice and proposed to move the deadlines for the study forward one year and remove from the study commission the member representing Amnesty International. This amendment also proposed to add an appropriation section and a fiscal note to the resolve. This amendment was not adopted.

LD 1492

**An Act to Improve Treatment of Persons with Mental Illness in
Maine's Jails and Prisons**

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POVICH	ONTP	
PENDLETON		

LD 1492, which was carried over from the First Regular Session, proposed to require that all law enforcement and corrections officers receive training in mental illness and substance abuse issues and to require psychiatric evaluation of all inmates incarcerated in county jails and state correctional facilities. The bill proposed to establish standards for the care, treatment and transfer of inmates with a psychiatric disorder. The bill also proposed to require that all county jails and state correctional facilities be nationally accredited by January 1, 2005 and annually thereafter. For related bills, see LD 1099 from the First Regular Session and LDs 2065, 2068, 2075 and 2088 from this session.

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LD 1620

An Act to Enact Mandatory Minimum Sentences for Firearms Offenses to Make the State Eligible for Firearms Sentencing Incentive Grants

ONTP

Sponsor(s)
MUSE C

Committee Report
ONTP

Amendments Adopted

LD 1620, which was carried over from the First Regular Session, proposed to create the offenses of criminal possession of a firearm and criminal use of a firearm, both of which are Class C crimes that carry mandatory minimum 5-year sentences. LD 1620 proposed that a person is guilty of criminal possession of a firearm if the person was convicted of a crime of violence and was in possession of a firearm. LD 1620 proposed that a person is guilty of criminal use of a firearm if the person used or carried a firearm while committing a crime of violence or a Class A, B or C drug offense. This bill also proposed to require the Commissioner of Public Safety to implement a public awareness and community support program to build support for and warn potential violators of the provisions of the law.

LD 1657

An Act to Improve Emergency Medical Services by Expanding the Pool of Qualified Emergency Medical Services Personnel

PUBLIC 474

Sponsor(s)
POVICH

Committee Report
OTP

Amendments Adopted

LD 1657, which was carried over from the First Regular Session, proposed to repeal the requirement that, prior to being licensed as an emergency medical services person, a person must be sponsored by a Maine licensed ambulance service or nontransporting emergency medical service.

Enacted law summary

Public Law 2001, chapter 474 repeals the requirement that, prior to being licensed as an emergency medical services person, a person must be sponsored by a Maine licensed ambulance service or nontransporting emergency medical service.

LD 1846

An Act to Ensure Victim Safety

PUBLIC 477

Sponsor(s)
PEAVEY

Committee Report
OTP

Amendments Adopted

LD 1846 proposed to amend the law regarding public disclosure of information to clarify that disclosure pertains to out-of-state probationers and parolees only if they are adults, which is consistent with the law for disclosure of information regarding in-state probationers and parolees. The bill also proposed to expand the Commissioner of Corrections' ability to determine if disclosure of information is detrimental to the welfare of clients to include those who are on probation or parole to protect them from domestic or other violence.

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Enacted law summary

Public Law 2001, chapter 477 amends the law regarding public disclosure of information to clarify that disclosure pertains to out-of-state probationers and parolees only if they are adults, which is consistent with the law for disclosure of information regarding in-state probationers and parolees. Public Law 2001, chapter 477 also expands the Commissioner of Corrections' ability to determine if disclosure of information would be detrimental to the welfare of clients to include those who are on probation or parole to protect them from domestic or other violence.

LD 1850

An Act to Improve the Juvenile Drug Court Program

PUBLIC 508

Sponsor(s)
MCALEVEY

Committee Report
OTP

Amendments Adopted

LD 1850 proposed to extend from 12 months to 15 months the time available for juveniles to complete a juvenile drug treatment court program.

Enacted law summary

Public Law 2001, chapter 508 extends from 12 months to 15 months the time available for juveniles to complete a juvenile drug treatment court program.

LD 1903

Resolve, to Provide Computers to Rural Fire Stations

ONTP

Sponsor(s)
MICHAUD MH
BERRY R

Committee Report
ONTP

Amendments Adopted

LD 1903 proposed to require the Department of Public Safety, Office of the State Fire Marshal to create and implement a program to donate surplus computers used in State Government to rural fire departments, so that those departments can access the State's emergency and public safety databases and better meet their statutory reporting requirements. The resolve also proposed that this program be carried out within existing resources and that all hard drives be erased before computers are donated.

Because the Criminal Justice Committee could not amend the statutes using this resolve as a vehicle, the committee reported out its own bill, LD 2112, "An Act to Aid Fire Departments in Meeting Mandatory Reporting Requirements," pursuant to Joint Order, Senate Paper 763.

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LD 1932

An Act to Protect Police Horses

PUBLIC 627

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUDLEY KILKELLY	OTP-AM	H-834

LD 1932 proposed to create the new crime of unlawful interference with a law enforcement horse, which provides horses used for law enforcement purposes with the same protections that police dogs currently have under the Criminal Code.

Committee Amendment "A" (H-834) proposed to replace the bill. The amendment proposed to add to the Maine Criminal Code the new crime of unlawful interference with horses used for law enforcement purposes. The amendment proposed that a person is guilty of the Class C crime of unlawful interference with a law enforcement horse if the person intentionally or knowingly kills, mutilates or permanently disables a horse that the person knows or reasonably should have known is used for law enforcement purposes. The amendment also proposed that a person is guilty of the Class D crime of unlawful interference with a law enforcement horse if the person torments, beats, strikes, injures, temporarily disables or otherwise mistreats a horse that the person knows or reasonably should have known is used for law enforcement purposes. The amendment also proposed to add a fiscal note.

Enacted law summary

Public Law 2001, chapter 627 creates the new crime of unlawful interference with law enforcement horses, which provides horses used for law enforcement purposes with the same protections that police dogs currently have under the Criminal Code.

LD 1954

An Act to Repeal the Sunset Provision Regarding the State Police Providing Services at Cost to Governmental and Nongovernmental Entities

**PUBLIC 483
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PEAVEY	OTP-AM	H-766

LD 1954 proposed to repeal language that sunsets the State Police's ability to provide services for public safety purposes at cost to governmental and nongovernmental entities. The Second Regular Session of the 119th Legislature expanded the statute to authorize the State Police to charge private entities for providing services and to require the State Police to annually report a summary of such services to the joint standing committee having jurisdiction over criminal justice matters.

Committee Amendment "A" (H-766) proposed to add a fiscal note to the bill.

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Enacted law summary

Public Law 2001, chapter 483 repeals language that would sunset the State Police's ability to provide services for public safety purposes at cost to governmental and nongovernmental entities. The Second Regular Session of the 119th Legislature expanded the statute to authorize the State Police to charge private entities for providing services.

Public Law 2001, chapter 483 was enacted as an emergency measure effective February 21, 2002.

LD 1955

**An Act to Allow Federal Law Enforcement Officers to Enforce
Maine Statutes**

PUBLIC 602

Sponsor(s)
PEAVEY

Committee Report
OTP-AM

Amendments Adopted
H-927

LD 1955 proposed to add Special Agents of the United States Secret Service of the Department of the Treasury to the list of federal law enforcement agency personnel who can enforce Maine statutes, provided the personnel are trained in Maine criminal law and Maine law on the use of force and that agency has developed and filed policies governing its employees with the Maine Criminal Justice Academy.

Committee Amendment "A" (H-927) proposed to replace the bill. The amendment proposed to put a repeal date on the provision that adds Special Agents of the United States Secret Service of the Department of Treasury to the list of federal officers that have the authority to enforce Maine laws. The amendment proposed to repeal the United States Secret Service's authority July 1, 2004.

Enacted law summary

Public Law 2001, chapter 602 adds Special Agents of the United States Secret Service of the Department of the Treasury to the list of federal law enforcement agency personnel who can enforce Maine statutes provided the personnel are trained in Maine criminal law and Maine law on the use of force and that the agency has developed and filed policies governing its employees with the Maine Criminal Justice Academy. Public Law 2001, chapter 602 also repeals the United States Secret Service's authority to enforce Maine law July 1, 2004.

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LD 1956

An Act to Clarify Rule-making Authority for the Office of the State Fire Marshal

PUBLIC 475

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POVICH O'GARA	OTP	

LD 1956 proposed to grant rule-making responsibility regarding standards for smoke detectors to the Commissioner of Public Safety or the commissioner's designee. Public Law 1997, chapter 728 repealed the State Fire Marshal's authority to enact rules regarding smoke detectors under the Maine Revised Statutes, Title 25, section 2464. As proposed, rules adopted pursuant to LD 1956 are routine technical rules.

Enacted law summary

Public Law 2001, chapter 475 grants rule-making responsibility regarding standards for smoke detectors to the Commissioner of Public Safety or the commissioner's designee. Rules adopted pursuant to this Public Law are routine technical rules. Public Law 1997, chapter 728 repealed the State Fire Marshal's authority to enact rules regarding smoke detectors under the Maine Revised Statutes, Title 25, section 2464.

LD 1961

An Act to Allow Private Psychiatric Hospitalization of Residents of Department of Corrections Juvenile Facilities

PUBLIC 517

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POVICH	OTP-AM	H-796

LD 1961 proposed to allow juveniles needing psychiatric hospitalization to be admitted to private facilities for psychiatric care under the Commissioner of Corrections' statutory guardianship, as they may now be admitted to private facilities for medical care under the commissioner's guardianship. Current Maine law authorizes psychiatric hospitalization of persons confined in Department of Corrections facilities only in state mental health institutes. While the state mental health institutes have beds for adults, they do not have and do not plan to have beds for juveniles.

Committee Amendment "A" (H-796) proposed to clarify that the Commissioner of Corrections is subject to the same statutory provisions as a parent or legal guardian when seeking to admit a juvenile client to a psychiatric hospital. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 517 allows juveniles needing psychiatric hospitalization to be admitted to private facilities for psychiatric care under the Commissioner of Corrections' statutory guardianship, as they may now be admitted to private facilities for medical care under the commissioner's guardianship. The Commissioner of Corrections is subject to the same statutory provisions as a parent or legal guardian when seeking to admit a juvenile client to a psychiatric hospital. Prior to enactment of this Public Law, Maine law authorized psychiatric hospitalization of persons confined in Department of Corrections facilities only

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in state mental health institutes. While the state mental health institutes have beds for adults, they do not have and do not plan to have beds for juveniles.

LD 1983

An Act to Protect Children from Sexual Predators

**DIED IN
CONCURRENCE**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MENDROS	ONTP MAJ	
MCALEVEY	OTP-AM MIN	

LD 1983 proposed to raise the age of sexual consent to 16 years of age for the crimes of gross sexual assault, sexual abuse of a minor, unlawful sexual contact and sexual misconduct with a child.

Committee Amendment "A" (H-881) proposed to replace the bill and was the minority report. The amendment proposed to criminalize intentional sexual contact with a person who is either 14 or 15 years of age who is not the actor's spouse, when the actor is at least 10 years older than the other person. The amendment proposed that this form of sexual abuse of a minor is a Class D crime and that it is a defense to a prosecution for the new crime that the actor reasonably believed the other person to be at least 16 years of age. The amendment also proposed to add a fiscal note. This amendment was not adopted.

LD 1987

An Act to Increase the Penalty for Appropriating Another Person's Social Security Number

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY	ONTP	

LD 1987 proposed to amend the crime of misuse of identification by increasing the penalty for misuse of another person's social security card or social security number from a Class D to a Class C crime.

LD 1989

An Act Regarding Criminal History Record Checks

PUBLIC 552

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PEAVEY	OTP-AM	H-863

LD 1989 proposed to amend the laws regarding criminal history records by:

1. Changing an incorrect reference to a member of the MCJUSTIS Policy Board;
2. Making it clear that the State Bureau of Identification may charge a fee for each requested criminal history record check for noncriminal justice purposes, and that the requestor must supply a name and date of birth for each record being requested; and

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3. Allowing law enforcement agencies that take fingerprints and palm prints for noncriminal justice purposes to submit them directly to the State Bureau of Identification when the submission is required by law.

Committee Amendment "A" (H-863) proposed to replace the bill and to amend the laws regarding criminal history records by:

1. Discontinuing the practice of subsidizing the cost of criminal history record checks for noncriminal justice purposes for out-of-state and federal governmental entities;
2. Clarifying that the State Bureau of Identification may charge a fee for each requested criminal history record check for noncriminal justice purposes and that the requestor must supply a name and date of birth for each record being requested;
3. Clarifying that criminal history record checks requested pursuant to 5 United States Code, Section 9101 must be accompanied by fingerprints;
4. Authorizing a law enforcement agency that takes fingerprints and palm prints for noncriminal justice purposes to submit the fingerprints or palm prints directly to the State Bureau of Identification when required by statute or when the person requesting that the fingerprints or palm prints be taken asks the law enforcement agency to do so;
5. Specifying that a law enforcement agency that takes fingerprints or palm prints, upon request, for a criminal history record check for noncriminal justice purposes may not maintain any demographic information that is taken or collected in the process of taking the fingerprints or palm prints; and
6. Adding a fiscal note.

Enacted law summary

Public Law 2001, chapter 552 amends the laws regarding criminal history records as follows.

1. It discontinues the practice of subsidizing the cost of criminal history record checks for noncriminal justice purposes for out-of-state and federal governmental entities.
2. It clarifies that the State Bureau of Identification may charge a fee for each requested criminal history record check for noncriminal justice purposes and that the requestor must supply a name and date of birth for each record being requested.
3. It clarifies that criminal history record checks requested pursuant to 5 United States Code, Section 9101 must be accompanied by fingerprints.
4. It authorizes a law enforcement agency that takes fingerprints and palm prints for noncriminal justice purposes to submit the fingerprints or palm prints directly to the State Bureau of Identification when required by statute or when the person requesting that the fingerprints or palm prints be taken asks the law enforcement agency to do so.

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5. It specifies that a law enforcement agency that takes fingerprints or palm prints, upon request, for a criminal history record check for noncriminal justice purposes may not maintain any demographic information that is taken or collected in the process of taking the fingerprints or palm prints.

LD 1997

An Act Regarding Fire Safety Laws for Residential Care Facilities

PUBLIC 531

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER LONGLEY	OTP-AM	H-833

LD 1997 proposed that that prior to being licensed a residential care facility must be certified as meeting certain provisions of the National Fire Protection Association Life Safety Code.

Committee Amendment "A" (H-833) proposed to specify that a residential care facility must use timed drills unless the facility has elected to complete evacuation scores in lieu of timed drills or timed drills are not required. The amendment proposed to change from a Class E crime to a civil violation any failure to comply with the timed drill or evacuation score requirements. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 531 provides that prior to being licensed a residential care facility must be certified as meeting certain provisions of the National Fire Protection Association Life Safety Code. Residential care facilities must use timed drills unless the facility has elected to complete evacuation scores in lieu of timed drills or timed drills are not required. Public Law 2001, chapter 531 specifies that it is a civil violation for failure to comply with the timed drill or evacuation score requirements.

LD 2002

Resolve, Establishing a Commission to Study County Jail Population, Cost and Reimbursement by the State

INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PEAVEY TREAT	OTP-AM	H-861

LD 2002, a resolve, proposed to establish the Commission to Study County Jail Population, Costs and Reimbursement by the State. The resolve proposed that the commission study and make recommendations regarding:

1. Initiatives for regional cooperation and solutions in building county jails;
2. Population of county jails, overcrowding and growth;
3. State probation violations, where those violations should be served and who should pay for the resulting incarceration;

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4. Probation options, graduated sanctions and probation officer caseload;
5. Criminal court case loads, whether cases are being handled in a timely fashion and whether there are sufficient judicial resources allocated to handle the current case load; and
6. Issues concerning female offenders in county jails.

The resolve also proposed that the commission report its findings and necessary implementing legislation to the joint standing committee of the Legislature having jurisdiction over corrections and criminal justice matters by November 1, 2002.

Committee Amendment "A" (H-861) proposed to replace the membership of the commission with the Joint Standing Committee on Criminal Justice. The amendment proposed to expand the duties of the commission to study state subsidies that support county jails and community corrections programs, alternative sentencing options and sentencing policies, and populations that are and are not being served by the county jail system. The amendment also proposed to add an appropriations and allocations section and a fiscal note to the resolve.

Although LD 2002 did not pass, a Joint Order, House Paper 1731, incorporated the substance of the resolve and was read and passed by the House and Senate.

LD 2022

An Act to Clarify the Sex Offender Registration and Notification Act of 1999

**PUBLIC 553
EMERGENCY**

Sponsor(s)
O'BRIEN J

Committee Report
OTP-AM

Amendments Adopted
H-865

LD 2022 proposed to clarify the Sex Offender Registration and Notification Act of 1999 by:

1. Defining "sentence" to include an involuntary commitment under the Maine Revised Statutes, Title 15, section 103, or a similar statute in another jurisdiction;
2. Clarifying the definition of "sexually violent offense;"
3. Clarifying when the duty to register must be carried out by a sex offender or sexually violent predator sentenced on or after September 18, 1999;
4. Clarifying when the duty to register must be carried out by a sex offender or sexually violent predator sentenced on or after June 30, 1992, but before September 18, 1999;
5. Amending Title 34-A, section 11225, subsection 1 to delete "sexually violent predator" since that category of offender is not subject to a 10-year registration requirement. Sexually violent predators are instead subject to lifetime registration;
6. Clarifying how the 10-year registration period for sex offenders is to be calculated for those sentenced on or after June 30, 1992, but before September 18, 1999;

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7. Clarifying that a sexually violent predator sentenced on or after June 30, 1992 must register for the duration of the sexually violent predator's life;
8. Clarifying that the Department of Public Safety, State Bureau of Identification may suspend the requirement that a sexually violent offender register during periods when the person is not at liberty due to institutional confinement;
9. Amending Title 34-A, section 11227 by replacing the word "convicted" with the word "sentenced;" and
10. Amending the final sentence of Title 34-A, section 11252 so that it cannot be read to limit immunity under circumstances not involving the release of information.

Committee Amendment "A" (H-865) proposed to remove the change to the immunity from liability provision so that current immunity protections continue to apply to persons who perform the requirements of the notification element of the Sex Offender Registration and Notification Act of 1999.

Enacted law summary

Public Law 2001, chapter 553 clarifies the Sex Offender Registration and Notification Act of 1999. Public Law 2001, chapter 553 does the following.

1. It defines "sentence" to include an involuntary commitment under the Maine Revised Statutes, Title 15, section 103, or a similar statute in another jurisdiction.
2. It clarifies the definition of "sexually violent offense."
3. It clarifies when the duty to register must be carried out by a sex offender or sexually violent predator sentenced on or after September 18, 1999.
4. It clarifies when the duty to register must be carried out by a sex offender or sexually violent predator sentenced on or after June 30, 1992, but before September 18, 1999.
5. It amends Title 34-A, section 11225, subsection 1 to delete "sexually violent predator" since that category of offender is not subject to a 10-year registration requirement. Sexually violent predators are instead subject to lifetime registration.
6. It clarifies how the 10-year registration period for sex offenders is to be calculated for those sentenced on or after June 30, 1992, but before September 18, 1999.
7. It clarifies that a sexually violent predator sentenced on or after June 30, 1992 must register for the duration of the sexually violent predator's life.
8. It clarifies that the Department of Public Safety, State Bureau of Identification may suspend the requirement that a sexually violent offender register during periods when the person is not at liberty due to institutional confinement.

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9. It amends Title 34-A, section 11227 by replacing the word "convicted" with the word "sentenced."

Public Law 2001, chapter 553 was enacted as an emergency measure effective March 25, 2002.

LD 2032

**An Act to Exclude Court Holidays from the Time Required in
Which a Juvenile Detention Hearing Must be Held**

ONTP

Sponsor(s)
PEAVEY

Committee Report
ONTP

Amendments Adopted

LD 2032 proposed to amend the juvenile detention laws to specify that court holidays be excluded from the time limits for holding juveniles in detention prior to a hearing. This change would have made the law the same for juveniles as for adults as set out in the Maine Rules of Criminal Procedure Rule 5.

LD 2039

**Resolve, Directing the Department of Public Safety, Maine
Emergency Medical Services, Medical Direction and Practices
Board to Review and Update Protocols for Training Basic
Emergency Medical Technicians to Administer Epinephrine**

**RESOLVE 87
EMERGENCY**

Sponsor(s)
TRAHAN

Committee Report
OTP-AM

Amendments Adopted
H-864

LD 2039 proposed to allow a municipality to train its emergency medical services persons to administer epinephrine, commonly known as adrenalin.

Committee Amendment "A" (H-864) proposed to replace the bill and create a resolve. The resolve proposed to direct the Department of Public Safety, Maine Emergency Medical Services, Medical Direction and Practices Board to review and update protocols and training for basic emergency medical technicians to carry and administer epinephrine. The amendment proposed that in developing its protocols and training, the board review other states' medical practices regarding emergency medical personnel carrying and administering epinephrine and treat the issue of developing protocols for the administration of epinephrine to school-age children as a priority in this process. The amendment proposed that the board report its recommendations and subsequent actions regarding protocols and training for the carrying and administering of epinephrine by basic emergency medical technicians to the joint standing committee of the Legislature having jurisdiction over criminal justice matters by January 1, 2003. The amendment also proposed to authorize the committee to report out implementing legislation if necessary. The amendment also proposed to add a fiscal note.

Enacted law summary

Resolve 2001, chapter 87 directs the Department of Public Safety, Maine Emergency Medical Services, Medical Direction and Practices Board to review and update protocols and training for basic emergency medical technicians to carry and administer epinephrine. In developing its protocols and training, the board shall review other states' medical practices regarding emergency medical personnel carrying and

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administering epinephrine, and the board shall treat the issue of developing protocols for the administration of epinephrine to school-age children as a priority in this process. The board shall report its recommendations and subsequent actions regarding protocols and training for the carrying and administering of epinephrine by basic emergency medical technicians to the joint standing committee of the Legislature having jurisdiction over criminal justice matters by January 1, 2003. Resolve 2001, chapter 87 authorizes the committee to report out implementing legislation if necessary.

Resolve 2001, chapter 87 was enacted as an emergency measure effective March 28, 2002.

LD 2065

**An Act to Implement the Recommendations of the Committee to
Study the Needs of Persons with Mental Illness who are
Incarcerated Relating to Diversion from Jails and Prisons**

ONTP

Sponsor(s)

Committee Report
ONTP

Amendments Adopted

LD 2065 proposed to implement the recommendations of the Committee to Study the Needs of Persons with Mental Illness Who Are Incarcerated relating to diversion from prisons and jails. The Committee to Study the Needs of Persons with Mental Illness Who Are Incarcerated was created pursuant to Joint Order, House Paper 1383. LD 2065 was one of 4 bills produced by the committee. (See also LDs 2068, 2075, and 2088.) Specifically, LD 2065 proposed to:

1. Expand the police ride-along programs;
2. Direct the Department of Behavioral and Developmental Services to examine the efficiency and effectiveness of the current ride-along program;
3. Establish positions within the trial court system to develop treatment plans and sentencing options for persons with mental illness;
4. Direct the Department of Behavioral and Developmental Services to develop programs to provide mental illness awareness training to judges, jail staff and to others within the criminal justice system who do not currently receive such training; and
5. Create a position within the Department of Behavioral and Developmental Services to serve as criminal justice liaison to consult with county jails and the Department of Corrections.

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LD 2068

An Act Relating to the Treatment of Persons with Mental Illness Who are Incarcerated

PUBLIC 659

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-1020 S-579 GOLDTHWAIT

LD 2068 proposed to implement the recommendations of the Committee to Study the Needs of Persons with Mental Illness Who Are Incarcerated relating to treatment and aftercare planning in state prisons and county jails. The Committee to Study the Needs of Persons with Mental Illness Who Are Incarcerated was created pursuant to Joint Order, House Paper 1383. LD 2068 was one of 4 bills produced by the committee. (See also LDs 2065, 2075, and 2088.) Specifically, LD 2068 proposed to:

1. Direct the Department of Human Services to establish procedures to ensure that a person receiving federally approved Medicaid services prior to incarceration does not lose Medicaid eligibility merely as a result of that incarceration;
2. Direct the Department of Behavioral and Developmental Services to work with the Department of Corrections and the county jail administrators to develop memoranda of agreement to improve access to forensic beds for transfers of inmates who require care in a State mental health institution;
3. Direct the Department of Behavioral and Developmental Services to develop, in consultation with appropriate state and county correctional facility administrators, procedures to ensure that any inmate of a state or county facility that is hospitalized for treatment of mental illness has a written treatment plan describing the mental health treatment to be provided when the inmate is returned to the correctional facility for the remainder of the inmate's incarceration;
4. Amend certain confidentiality provisions to allow the Department of Behavioral and Developmental Services to share medical records with the Department of Corrections or county jail without the client's consent in cases in which the client suffers an acute deterioration such that the client cannot provide consent;
5. Direct the Department of Corrections and the Maine Jail Association to examine and develop ways of treating inmates with mental illness in the least restrictive setting possible that does not compromise security; and
6. Create an independent Ombudsman for Mentally Ill Inmates.

Committee Amendment "A" (H-1020) proposed to combine most of the provisions of LDs 2065, 2068, 2075 and 2088, (some provisions of those bills were not included and other provisions were changed). Specifically, the amendment proposed to:

1. Expand the police ride-along programs (from LD 2065, unchanged);
2. Direct the Department of Behavioral and Developmental Services to examine the efficiency and effectiveness of the current ride-along program (from LD 2065, unchanged);

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3. Establish positions within the trial court system to develop treatment plans and sentencing options for persons with mental illness (from LD 2065, substantively unchanged);
4. Direct the Department of Behavioral and Developmental Services to develop programs to provide mental illness awareness training to judges, jail staff and to others within the criminal justice system who do not currently receive such training (from LD 2065, unchanged);
5. Create a position within the Department of Behavioral and Developmental Services to serve as criminal justice liaison to consult with county jails and the Department of Corrections (from LD 2065, unchanged);
6. Direct the Department of Human Services to establish procedures to ensure that a person receiving federally approved Medicaid services prior to incarceration does not lose Medicaid eligibility merely as a result of that incarceration (from LD 2068, substantially unchanged);
7. Direct the Department of Behavioral and Developmental Services to work with the Department of Corrections and the county jail administrators to develop memoranda of agreement to improve access to forensic beds for transfers of inmates who require care in a State mental health institution (from LD 2068, unchanged);
8. Direct the Department of Behavioral and Developmental Services to develop, in consultation with appropriate state and county correctional facility administrators, procedures to ensure that any inmate of a state or county facility that is hospitalized for treatment of mental illness has a written treatment plan describing the mental health treatment to be provided when the inmate is returned to the correctional facility for the remainder of the inmate's incarceration (from LD 2068, substantially unchanged);
9. Direct the Department of Corrections and the Maine Jail Association to examine and develop ways of treating inmates with mental illness in the least restrictive setting possible that does not compromise security (from LD 2068, unchanged);
10. Create an independent Ombudsman for Mentally Ill Inmates (from LD 2068, with substantial changes);
11. Allow county jails to grant furloughs for longer than 3 days to provide treatment for mental conditions, including a substance abuse condition, as determined by a qualified licensed professional (from LD 2075, with some changes)
12. Create a collaborative process to develop a pilot program to address the needs of persons with mental illness who are incarcerated in county correctional facilities (from LD 2075, with substantial changes);
13. Create a position at each Department of Corrections intake facility (Maine State Prison and Maine Correctional Center) to undertake mental health screening and to collect relevant mental health information upon intake (from LD 2088, unchanged);
14. Fund one psychiatrist and one psychiatric nurse to provide mental health treatment services to inmates in the State facilities (from LD 2088, substantially unchanged);

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15. Direct the Department of Corrections to develop a training program to provide specialized forensic training to case management and community support providers and crisis and outpatient providers (from LD 2088, unchanged);
16. Require the formulary used by the Department of Corrections to be comparable to that used at State mental institutions (from LD 2088, with substantial changes);
17. Direct the Department of Corrections to develop a grievance process for addressing complaints about medical or mental health treatment (from LD 2088, with substantial changes); and
18. Add a fiscal note to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-579) proposed to remove those portions of the committee amendment that required General Fund appropriations, except the provisions establishing a pilot program to address the needs of persons with mental illness in county jails. The amendment proposed to modify the pilot program to limit it to one pilot location rather than 3 pilot locations and reduce funding to \$65,000. Specifically, the amendment proposed to remove the following provisions from the committee amendment:

1. Part A, section 2, which proposed to expand the so-called ride-along programs;
2. Part B, which proposed to establish a diversion program in the courts;
3. Part C, which proposed to fund mental illness awareness training to persons within the criminal justice system;
4. Part D, which proposed to create a criminal justice liaison within the Department of Behavioral and Developmental Services;
5. Part I, which proposed to establish an ombudsman for mentally ill inmates;
6. Part L, which proposed to fund positions within the Department of Corrections to undertake mental health screening;
7. Part M, which proposed to fund positions within the Department of Corrections to provide mental health services to inmates; and
8. Part N, which proposed to fund forensic training of case management and community support services.

Enacted law summary

Public Law 2001, chapter 659 implements, with a few changes, a number of the provisions of legislative documents 2065, 2068, 2075 and 2088, which were reported by the Committee to Study the Needs of Persons with Mental Illness Who Are Incarcerated. The Committee to Study the Needs of Persons with Mental Illness Who Are Incarcerated was created pursuant to Joint Order, House Paper 1383. Public Law 2001, chapter 659 does the following.

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1. It directs the Department of Behavioral and Developmental Services to examine the efficiency and effectiveness of the current ride-along program.
2. It directs the Department of Human Services to establish procedures to ensure that a person receiving federally approved Medicaid services prior to incarceration does not lose Medicaid eligibility merely as a result of that incarceration.
3. It directs the Department of Behavioral and Developmental Services to work with the Department of Corrections and the county jail administrators to develop memoranda of agreement to improve access to forensic beds for transfers of inmates who require care in a State mental health institution.
4. It directs the Department of Behavioral and Developmental Services to develop, in consultation with appropriate state and county correctional facility administrators, procedures to ensure that any inmate of a state or county facility that is hospitalized for treatment of mental illness has a written treatment plan describing the mental health treatment to be provided when the inmate is returned to the correctional facility for the remainder of the inmate's incarceration.
5. It directs the Department of Corrections and the Maine County Jail Association to examine and develop ways of treating inmates with mental illness in the least restrictive setting possible that does not compromise security.
6. It allows county jails to grant furloughs for longer than 3 days to provide treatment for mental conditions, including a substance abuse condition, as determined by a qualified licensed professional.
7. It creates a collaborative process to create a pilot program to address the needs of persons with mental illness who are incarcerated in country correctional facilities and appropriates \$65,000 to the program.
8. It requires the formulary used by the Department of Corrections to be comparable to that used at State mental institutions.
9. It directs the Department of Corrections to develop a grievance process for addressing complaints about medical or mental health treatment.

LD 2075

An Act to Implement the Recommendations of the Committee to Study the Needs of Persons with Mental Illness Who are Incarcerated Relating to Treatment and Aftercare Planning in County Jails

ONTP

Sponsor(s)

Committee Report
ONTP

Amendments Adopted

LD 2075 proposed to implement recommendations of the Committee to Study the Needs of Persons with Mental Illness Who Are Incarcerated relating to treatment and aftercare planning in county jails. The Committee to Study the Needs of Persons with Mental Illness Who Are Incarcerated was created pursuant to Joint Order, House Paper 1383. LD 2075 was one of 4 bills produced by the committee. (See also LDs 2065, 2068, and 2088.) Specifically, LD 2075 proposed to:

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1. Allow county jails to grant furloughs for longer than 3 days to provide treatment for mental conditions, including a substance abuse condition, as determined by a qualified medical professional;
2. Create a pilot program to address the needs of persons with mental illness who are incarcerated in county correctional facilities. The pilot would include 3 pilot locations, one in each of the three Department of Behavioral and Developmental Services service regions, and involve programs for intake, triage, case management/short term treatment, and discharge planning; and
3. Direct the Department of Behavioral and Developmental Services to provide mental health staffing resources to county correctional facilities so that each county facility has at least 16 hours of facility-based mental health coverage each day.

LD 2079

An Act to Clarify the Law Enforcement Authority of Capitol Security Personnel

**PUBLIC 472
EMERGENCY**

Sponsor(s)
SAXL
BENNETT

Committee Report

Amendments Adopted

LD 2079 proposed to exempt from mandatory training security officers appointed by the Commissioner of Public Safety when the commissioner has expanded their authority to include law enforcement duties and powers. LD 2079 proposed that the Legislature may direct the provision of security to legislative offices. LD 2079 also proposed to repeal the security officer training exemption December 31, 2002. LD 2079 was not referred to committee.

Enacted law summary

Public Law 2001, chapter 472 provides an exemption from mandatory training for security officers appointed by the Commissioner of Public Safety when the commissioner has expanded their authority to include law enforcement duties and powers. Public Law 2001, chapter 472 specifies that the Legislature may direct the provision of security to legislative offices. Public Law 2001, chapter 472 also includes a sunset provision that repeals the security officer training exemption December 31, 2002. LD 2079, which was enacted as Public Law 2001, chapter 472, was not referred to committee.

Public Law 2001, chapter 472 was enacted as an emergency measure effective January 22, 2002.

The sunset on the training exemption enacted in Public Law 2001, chapter 472 was repealed and new training requirements were enacted by Public Law 2001, chapter 559, Part KK.

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LD 2088

An Act to Implement the Recommendations of the Committee to Study the Needs of Persons with Mental Illness Who are Incarcerated Relating to Treatment and Aftercare Planning in State Prisons

ONTP

Sponsor(s)

Committee Report
ONTP

Amendments Adopted

LD 2088 proposed to implement the recommendations of the Committee to Study the Needs of Persons with Mental Illness Who Are Incarcerated relating to treatment and aftercare planning in state prisons. The Committee to Study the Needs of Persons with Mental Illness Who Are Incarcerated was created pursuant to Joint Order, House Paper 1383. LD 2088 was one of 4 bills produced by the committee. (See also LDs 2065, 2068, and 2075.) Specifically, LD 2088 proposed to:

1. Create a position at each Department of Corrections intake facility (Maine State Prison and Maine Correctional Center) to undertake mental health screening and to collect relevant mental health information upon intake;
2. Fund one psychiatrist and one psychiatric nurse to provide mental health treatment services to inmates in the State facilities;
3. Direct the Department of Corrections to develop a training program to provide specialized forensic training to case management and community support providers and crisis and outpatient providers;
4. Direct the Department of Corrections to work with the Department of Behavioral and Developmental Services to ensure the Department of Corrections' formulary includes the best medications for the treatment of inmates with mental illness and adopt policies to ensure that the most effective medications are available and used and that clinical care needs, not cost, govern the use of medications;
5. Fund 2 positions to make initial contacts with family and community services for persons with mental illness prior to their release from Department of Corrections facilities; and
6. Direct the Department of Corrections, in consultation with the Department of Behavioral and Developmental Services, to develop a grievance process, separate from other grievance processes, for addressing complaints by persons with mental illness about their treatment.

LD 2090

An Act to Clarify the Law Governing Unlawful Solicitation to Benefit Law Enforcement Agencies

PUBLIC 582

Sponsor(s)
SMALL
PEAVEY

Committee Report
OTP-AM

Amendments Adopted
S-457

LD 2090 proposed that a person who does not gain any financial benefit from a donation may solicit donations for law enforcement purposes since the person solicited may be told that the solicitor will not

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gain any tangible benefit and, consequently, will not be concerned with who donates. The bill's proposed purpose is to eliminate the coercion that is inherent in many solicitations by or on behalf of law enforcement officers since a prospective donor may not feel totally free to reject the request in light of the solicitor's position, whether an officer or a financially interested agent of the officer or association, and to preserve public confidence in the integrity of law enforcement by avoiding that appearance of coercion.

Committee Amendment "A" (S-457) proposed to direct the Attorney General, the Maine Sheriffs' Association, the Maine Chiefs of Police Association, the Maine State Troopers Association and the Maine Association of Police to report their findings related to the change in the law enforcement solicitation law, which allows persons to solicit the public for the tangible benefit of law enforcement as long as the solicitor has no financial interest in the solicitation, to the joint standing committee of the Legislature having jurisdiction over criminal justice matters by May 1, 2003. The amendment proposed that upon receiving that report and reviewing the law, the committee may report out legislation to amend the law if necessary. If the committee takes no action, the amendment proposed that the change to the solicitation law is repealed February 1, 2004, and the former law is reenacted.

The amendment also proposed to add a legislative intent section that clarifies that, for purposes of solicitation to benefit law enforcement, the Legislature finds that there is no inherent coercion or appearance of coercion when the person soliciting has no financial interest at stake, because the person solicited will know that the person soliciting will not gain any tangible benefit from the solicitation and, consequently, will not be concerned with who donates.

The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 582 directs the Attorney General, the Maine Sheriffs' Association, the Maine Chiefs of Police Association, the Maine State Troopers Association and the Maine Association of Police to report their findings related to this Public Law's change in the law enforcement solicitation statute, which allows persons to solicit the public for the tangible benefit of law enforcement as long as the solicitor has no financial interest in the solicitation, to the joint standing committee of the Legislature having jurisdiction over criminal justice matters by May 1, 2003. Upon receiving that report and reviewing the law, the committee may report out legislation to amend the law if necessary. If the committee takes no action, the amendment to the solicitation law will be repealed February 1, 2004, and the former law prohibiting solicitation by anyone on behalf of law enforcement officers will be reenacted.

Public Law 2001, chapter 582 also adds a legislative intent section that clarifies that, for purposes of solicitation to benefit law enforcement, the Legislature finds that there is no inherent coercion or appearance of coercion when the person soliciting has no financial interest at stake, because the person solicited will know that the person soliciting will not gain any tangible benefit from the solicitation and, consequently, will not be concerned with who donates.

Joint Standing Committee on Criminal Justice

LD 2112

An Act to Aid Fire Departments in Meeting Mandatory Reporting Requirements

PUBLIC 529

Sponsor(s)

Committee Report
OTP

Amendments Adopted

LD 2112 was a committee bill reported out in place of LD 1903, "Resolve, to Provide Computers to Rural Fire Stations." LD 2112 proposed to specify that a fire department may purchase one personal computer from the Department of Administrative and Financial Services, Bureau of General Services to be used for the purpose of meeting the department's reporting requirements to the State Fire Marshal under the Maine Revised Statutes, Title 25, section 2395. LD 2112 proposed that the Bureau of General Services may charge a fire department only the reasonable administrative and handling costs of no more than \$35 for the purchase of a personal computer under this bill.

Enacted law summary

Public Law 2001, chapter 529 was a committee bill that replaced LD 1903, "Resolve, to Provide Computers to Rural Fire Stations." Public Law 2001, chapter 529 specifies that a fire department may purchase one personal computer from the Department of Administrative and Financial Services, Bureau of General Services to be used for the purpose of meeting the department's reporting requirements to the State Fire Marshal under the Maine Revised Statutes, Title 25, section 2395. The Bureau of General Services may charge a fire department only the reasonable administrative and handling costs of no more than \$35 for the purchase of a personal computer under this law.

LD 2126

Resolve, Regarding Legislative Review of Chapter 1 - Requirements for Written Prescription of Schedule II Drugs, a Major Substantive Rule of the Department of Public Safety

**RESOLVE 86
EMERGENCY**

Sponsor(s)

Committee Report
OTP

Amendments Adopted

LD 2126 proposed to provide for legislative review of Chapter 1 - Requirements for Written Prescription of Schedule II Drugs, a major substantive rule of the Department of Public Safety. The Joint Standing Committee on Criminal Justice authorized final adoption of the rule without amendment.

Enacted law summary

Resolve 2001, chapter 86 provides for legislative review of Chapter 1 - Requirements for Written Prescription of Schedule II Drugs, a major substantive rule of the Department of Public Safety. The Joint Standing Committee on Criminal Justice authorized final adoption of the rule without amendment.

Resolve 2001, chapter 86 was enacted as an emergency measure effective March 27, 2002.

Joint Standing Committee on Criminal Justice

LD 2148

Resolve, to Require the Maine Fire Protection Services Commission to Report Regarding Methods to Improve the Recruitment and Retention of Firefighters and the Provision of Healthcare

RESOLVE 91

Sponsor(s)

Committee Report
OTP

Amendments Adopted

LD 2148, a resolve, proposed to require the Maine Fire Protection Services Commission to report back to the Legislature regarding recruitment and retention of firefighters in Maine and regarding the provision of health care to firefighters. The resolve proposed that the commission submit its report and implementing legislation to the Legislature by December 16, 2002.

Enacted law summary

Resolve 2001, chapter 91 requires the Maine Fire Protection Services Commission to report back to the Legislature regarding the recruitment and retention of firefighters in Maine and regarding the provision of health care to firefighters. The commission shall submit its report and implementing legislation to the Legislature by December 16, 2002.

LD 2160

An Act to Amend the Maine Criminal Code to Address Terrorism

PUBLIC 634

Sponsor(s)
BENNETT
POVICH

Committee Report
OTP-AM

Amendments Adopted
S-499

LD 2160 proposed to amend the Maine Criminal Code to address terrorism by:

1. Amending the statute of limitations as it relates to crimes involving terrorism by specifying that no statute of limitations exists for bringing a prosecution for terroristic murder and by specifying that the statute of limitations may be extended no more than 10 years for the crimes of terrorism, criminal possession or use of weapon of mass destruction or terrorism by threat while the person is outside the state. If the person is not outside the state, the current 5-year statute of limitations applies to these 3 crimes;
2. Providing that a person is guilty of aggravated attempted murder if that person commits attempted murder and, at the time of that person's actions, the person's intent to kill was accompanied by terroristic intent;
3. Amending the laws governing the crime of causing a catastrophe by adding new causes and definitions; and
4. Establishing the crimes of: terrorism, a Class A crime; terroristic murder, a crime which carries a presumptive life sentence unless court determines that exceptional features justify imposition of a definite period of not less than 25 years of imprisonment; criminal possession or use of a weapon of mass destruction, a Class A crime; and terrorism by threat, a Class B crime.

Joint Standing Committee on Criminal Justice

Committee Amendment "A" (S-499) proposed to replace the bill and do the following:

1. Add definitions to the Maine Criminal Code to address scientific advances in the methods that may be used to commit the crime of causing a catastrophe and create the new definition "terroristic intent;"
2. Amend the crime of elevated aggravated assault to include when a person with terroristic intent engages in conduct that in fact causes serious bodily injury to another person;
3. Create the crime of aggravated reckless conduct. A person is guilty of this crime if the person with terroristic intent engages in conduct that in fact creates a substantial risk of serious bodily injury to another person;
4. Amend the crime of causing a catastrophe if the person acts with terroristic intent by lowering the threshold for harm to causing death or serious bodily injury to more than one person, substantial damage to 3 or more structures, whether or not occupied, or substantial physical damage sufficient to disrupt the normal functioning of a critical infrastructure; and
5. Add a fiscal note.

Enacted law summary

Public Law 2001, chapter 634 makes the following changes to the Maine Criminal Code to address terrorism.

1. It adds definitions to the Maine Criminal Code to address scientific advances in the methods that may be used to commit the crime of causing a catastrophe and creates the new definition "terroristic intent."
2. It amends the crime of elevated aggravated assault to include when a person with terroristic intent engages in conduct that in fact causes serious bodily injury to another person.
3. It creates the crime of aggravated reckless conduct. A person is guilty of this crime if the person with terroristic intent engages in conduct that in fact creates a substantial risk of serious bodily injury to another person.
4. It amends the crime of causing a catastrophe if the person acts with terroristic intent by lowering the threshold for harm to causing death or serious bodily injury to more than one person, substantial damage to 3 or more structures, whether or not occupied, or substantial physical damage sufficient to disrupt the normal functioning of a critical infrastructure.

LD 2163

**An Act to Implement the Recommendations of the Commission to
Study Domestic Violence**

PUBLIC 686

Sponsor(s)

Committee Report

Amendments Adopted

OTP MAJ
OTP-AM MIN

H-883
S-617 GOLDTHWAIT

Joint Standing Committee on Criminal Justice

LD 2163 was a committee bill and the majority report. LD 2163 proposed to implement recommendations of the Commission to Study Domestic Violence, which was created pursuant to Resolve 1999, chapter 126. The bill proposed to do the following:

1. Amend the law regarding bail commissioners to specify that, in a case involving domestic violence, a bail commissioner may not set preconviction bail for a defendant before the bail commissioner has made a good faith effort to obtain from the arresting officer, the district attorney, a jail employee or other law enforcement officer, the following: a brief history of the alleged abuser; the relationship of the parties; the name, address, phone number and date of birth of the victim; and existing conditions of protection from abuse orders, conditions of bail and conditions of probation;
2. Require that bail commissioners receive mandatory training not later than 180 days following appointment, unless the Chief Judge of the District Court determines that the bail commissioner is qualified to carry out the responsibilities of a bail commissioner based on equivalent experience or training;
3. Require the Chief Judge of the District Court to establish a regional continuing education program for bail commissioners that includes regular meetings of the bail commissioners and members of the judiciary and, at a minimum, training in accepted practices in domestic violence cases and best practices concerning uniform bail conditions;
4. Give the court authority to prohibit the possession of firearms and other dangerous weapons as a condition of a temporary protection order if the court determines that the defendant has a history of violence. The court could impose this condition only if the court discusses the plaintiff's request for the condition prohibiting possession of firearms or other dangerous weapons in person with the plaintiff, and the court determines that the prohibition of possession of firearms or other dangerous weapons is an appropriate condition of an order after considering at least the following: the defendant's history of violence; the type of abuse alleged; any reason that the defendant may have to possess firearms or other dangerous weapons, including their use in employment; and any other issue that the court determines relevant to the complaint;
5. Amend the requirements of law enforcement agencies to develop certain policies by specifying that policies regarding domestic violence must include, at a minimum, the following: a process to ensure that victims receive notification of the defendant's release from jail; a risk assessment for a defendant that includes the defendant's previous history, the parties' relationship, the name of the victim and a process to relay this information to a bail commissioner before a bail determination is made; and a process for the safe retrieval of personal property belonging to the victim or the defendant that includes identification of a neutral location for retrieval, the presence of at least one law enforcement officer during the retrieval and at least 24 hours notice to each party prior to the retrieval;
6. Enact language that authorizes district attorneys to appoint law enforcement officers as domestic violence investigators. Investigators would have to meet the requirements of the Maine Revised Statutes, Title 25, section 2804-C and be certified as full-time law enforcement officers. Investigators would have the same statutory powers as deputy sheriffs;
7. Require the Department of Corrections to report annually to the joint standing committee of the Legislature having jurisdiction over criminal justice matters regarding the work of batterers intervention programs;

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8. Reestablish the Commission to Study Domestic Violence, with the same members as the study commission created pursuant to Resolve 1999, chapter 126. As proposed, the commission would invite the participation of experts and interested parties and gather information and request necessary data from public and private entities in order to review the following issues and develop recommendations and implementing legislation if appropriate: predominant aggressors; models of supervised visitation; conflicts created by coexisting orders and conditions, including mutual orders; models of uniform domestic violence incident reports and other standard reporting tools for law enforcement officers; the inconsistency in the definitions of "family or household members" in the statutes; confidentiality programs that allow access to public records without disclosing the location of domestic violence victims; whether Maine Rules of Criminal Procedure, Rule 4 needs clarification or amendment to authorize courts to set conditions of bail on warrants; a number of elements of the protection from abuse process; educational components of bail commissioner training and continuing education; conditions of bail that bail commissioners can order; and the status and progress of technology and computerization of criminal history records, protection orders and bail conditions. The bill proposed that the commission report its recommendations and implementing legislation to the Legislature by November 6, 2002;
9. Include a fiscal note.

Committee Amendment "A" (H-883) was the minority report of the Joint Standing Committee on Criminal Justice. The amendment proposed to implement the same recommendations of the Commission to Study Domestic Violence, pursuant to Resolve 1999, chapter 126, as the majority report, except that the amendment did not propose amending the law to give the court authority to prohibit the possession of firearms and other dangerous weapons as a condition of a temporary protection order if the court determines that the defendant has a history of violence.

House Amendment "A" to Committee Amendment "A" (H-1000) proposed to make it a Class C crime to violate a protection order while having direct physical control of a firearm or other dangerous weapon, regardless of any other authority to possess that weapon. The amendment also proposed that a protective order issued to a defendant is required to have a statement to this effect. This amendment was not adopted.

Senate Amendment "A" to Committee Amendment "A" (S-508) proposed to require the court, at the request of the plaintiff at an ex parte proceeding for interim relief for protection from abuse, to hold a hearing no sooner than 48 hours after the request by the plaintiff nor later than 5 days after such a request. The amendment proposed that at this hearing the court may prohibit the possession of a firearm or other dangerous weapon by a defendant if the court determines that the defendant has a history of violence. The amendment proposed that the court may impose this condition only if the court discusses the plaintiff's request for the condition prohibiting possession of a firearm or other dangerous weapon in person with the plaintiff and the court determines that the prohibition of possession of a firearm or other dangerous weapon is an appropriate condition after considering at least the following: the defendant's history of violence; the type of abuse alleged; any reason that the defendant may have to possess a firearm or other dangerous weapon, including its use in employment; and any other issue that the court determines relevant to the complaint. The amendment also proposed that with the consent of the parties, this hearing may be a full hearing as provided by law. This amendment was not adopted.

Joint Standing Committee on Criminal Justice

Senate Amendment “B” to Committee Amendment “A” (S-509) proposed to authorize the court to prohibit the possession of firearms by the defendant if the court determines that one or more acts of alleged abuse were committed with the use or threatened use of a firearm or dangerous weapon. This amendment also proposed to add language that requires that the person serving the order must notify the defendant of the rights regarding acceptance of service, and that the defendant can either accept the condition or contest the condition, in which case the process for an expedited hearing on the condition is triggered. This amendment was not adopted.

Senate Amendment “C” to Committee Amendment “A” (S-617) proposed to amend Committee Amendment “A” by removing all parts of that amendment that deal with appropriations and allocations. Specifically, the amendment proposed to amend Committee Amendment “A” in Part A by striking out all of: section 2 regarding the initial training and continued education of bail commissioners by the Chief Judge of the District Court; Part E establishing the Commission to Study Domestic Violence; and Part F, the appropriations and allocations section. This amendment proposed to reduce the General Fund cost of the bill by \$426,050 in fiscal year 2002-03.

Enacted law summary

Public Law 2001, chapter 686 was a committee bill and the minority report of the Joint Standing Committee on Criminal Justice. Public Law 2001, chapter 686 implements a number of recommendations from the Commission to Study Domestic Violence, pursuant to Resolve 1999, chapter 126. Public Law 2001, chapter 686 does the following.

1. It amends the law regarding bail commissioners to specify that, in a case involving domestic violence, a bail commissioner may not set preconviction bail for a defendant before the bail commissioner has made a good faith effort to obtain from the arresting officer, the district attorney, a jail employee or other law enforcement officer, the following: a brief history of the alleged abuser; the relationship of the parties; the name, address, phone number and date of birth of the victim; and existing conditions of protection from abuse orders, conditions of bail and conditions of probation.
2. It amends the requirements of law enforcement agencies to develop certain policies by specifying that policies regarding domestic violence must include, at a minimum, the following: a process to ensure that victims receive notification of the defendant's release from jail; a risk assessment for a defendant that includes the defendant's previous history, the parties' relationship, the name of the victim and a process to relay this information to a bail commissioner before a bail determination is made; and a process for the safe retrieval of personal property belonging to the victim or the defendant that includes identification of a neutral location for retrieval, the presence of at least one law enforcement officer during the retrieval and at least 24 hours notice to each party prior to the retrieval.
3. It enacts language that authorizes district attorneys to appoint law enforcement officers as domestic violence investigators. Investigators must meet the requirements of the Maine Revised Statutes, Title 25, section 2804-C and be certified as full-time law enforcement officers. Domestic violence investigators have the same statutory powers as deputy sheriffs.
4. It requires the Department of Corrections to report annually to the joint standing committee of the Legislature having jurisdiction over criminal justice matters regarding the work of batterers intervention programs.

Joint Standing Committee on Criminal Justice

LD 2167

An Act to Improve Public Safety by Regulating the Installation and Inspection of Fire Alarm Systems

ONTP

Sponsor(s)

Committee Report
ONTP

Amendments Adopted

LD 2167 proposed to enact the fire alarm system contractor certification program to regulate the installation and inspection of fire alarm systems over a specified size in those buildings in which fire alarm systems are required, such as certain facilities licensed by the Department of Human Services, high-rise buildings, educational facilities for students through the 12th grade, dormitories, hotels, mercantile and business buildings with a square footage in excess of 12,000 feet, places of assembly with an occupancy load of 300 people or more, apartment buildings and all municipal and State-owned buildings.

LD 2167 proposed that a person who plans, installs, modifies or inspects a fire alarm system in one of the regulated structures is required to obtain certification from Underwriters Laboratories, Inc. or another nationally recognized independent testing company that has been approved by the Department of Public Safety, Office of the State Fire Marshal and present this certification to the State Fire Marshal in order to be licensed. The bill proposed that the State Fire Marshal must provide inspection stickers to be placed on the fire alarm system indicating that the system is in proper working condition. The bill proposed that the State Fire Marshal may set licensing fees and inspection sticker costs in an amount that creates sufficient revenue to maintain the fire alarm system contractor certification program.

LD 2167 proposed that this program be phased in over a 3-year period. The bill proposed that persons installing or inspecting fire alarm systems in facilities licensed by the Department of Human Services, high-rise buildings and educational facilities for students through the 12th grade must comply by May 1, 2003. The bill proposed that full compliance for all other regulated structures is required by May 1, 2005.

The Fire Protection Services Commission proposed this bill. LD 2167 was not enacted, and the Joint Standing Committee on Criminal Justice referred the issues in the bill back to the Fire Protection Services Commission for the commission to rework in cooperation with interested parties.

LD 2173

An Act to Implement the Recommendations of the Joint Standing Committee on Criminal Justice Regarding the Review of the Department of Public Safety under the State Government Evaluation Act

PUBLIC 697

Sponsor(s)

Committee Report

Amendments Adopted
S-551 GOLDTHWAIT

LD 2173 was a committee bill and the majority report. LD 2173 was proposed to implement recommendations pursuant to the committee's review of the Department of Public Safety under the State Government Evaluation Act. The bill proposed to do the following:

1. Remove Maine Emergency Medical Services from the list of agencies that the joint standing committee of the Legislature having jurisdiction over human resource matters reviews for purposes of the State

Joint Standing Committee on Criminal Justice

Government Evaluation Act, since the agency is already under the jurisdiction of the joint standing committee of the Legislature having jurisdiction over criminal justice matters;

2. Exempt from the full-time law enforcement officer training requirements the State Fire Marshal and the Department of Public Safety's Chief of the Bureau of Liquor Enforcement;
3. Extend from January 1, 2004 to January 1, 2005 the time by which all persons whose job descriptions include operating an ambulance in an emergency mode or transporting a patient must possess certification of successful completion of a basic ambulance vehicle operator course, or a course that has been approved by the board as an equivalent, in order to operate an ambulance in an emergency mode or to transport a patient;
4. Appropriate General Fund money to the Department of Public Safety, Bureau of Emergency Medical Services for one public health educator and for contracted services, in-state travel and general operations, including course material and vehicle repairs, to implement the statutorily required training and certification of all ambulance operators by January 1, 2005;
5. Direct the Department of Public Safety, Bureau of Emergency Medical Services to report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters regarding the progress of the training and certification of ambulance operators by February 1, 2004; and
6. Include a fiscal note.

Senate Amendment "A" (S-551) proposed to remove the General Fund appropriation of \$99,520 for the Bureau of Emergency Medical Services within the Department of Public Safety in fiscal year 2002-03 and replace it with an Other Special Revenue funds allocation of \$49,520 for one public health educator position that has no net impact for fiscal year 2002-03. The amendment also proposed that additional costs may be supplemented by federal grant proceeds.

Enacted law summary

Public Law 2001 chapter 697 was a Criminal Justice Committee bill and the majority report of that committee. Public Law 2001 chapter 697 implements recommendations pursuant to the committee's review of the Department of Public Safety under the State Government Evaluation Act. Public Law 2001 chapter 697 does the following.

1. It removes Maine Emergency Medical Services from the list of agencies that the joint standing committee of the Legislature having jurisdiction over human resource matters reviews for purposes of the State Government Evaluation Act, since the agency is already under the jurisdiction of the joint standing committee of the Legislature having jurisdiction over criminal justice matters.
2. It exempts from the full-time law enforcement officer training requirements the State Fire Marshal and the Department of Public Safety's Chief of the Bureau of Liquor Enforcement.
3. It extends from January 1, 2004 to January 1, 2005 the time by which all persons whose job descriptions include operating an ambulance in an emergency mode or transporting a patient must possess certification of successful completion of a basic ambulance vehicle operator course, or a course

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that has been approved by the board as an equivalent, in order to operate an ambulance in an emergency mode or to transport a patient.

4. It allocates Other Special Revenue funds in the amount of \$49,520 for one public health educator position that has no net impact for fiscal year 2002-03 to provide one trainer and authorizes the use of federal grant proceeds for additional training costs.
5. It directs the Department of Public Safety, Bureau of Emergency Medical Services to report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters regarding the progress of the training and certification of ambulance operators by February 1, 2004.

LD 2175

An Act to Amend the County Jail Prisoner Support and Community Corrections Fund

PUBLIC 698

Sponsor(s)

Committee Report

Amendments Adopted

H-1115 QUINT

S-602 GOLDTHWAIT

LD 2175 was a committee bill that proposed to create a new 1% surcharge on all fines, forfeitures and penalties imposed by any court in this State. The bill proposed that funds collected pursuant to this bill are nonlapsing and must be deposited monthly in the County Jail Prisoner Support and Community Corrections Fund that is administered by the Department of Corrections. LD 2175 proposed that all funds collected pursuant to this bill must be distributed to counties that have experienced at least a 10% increase in their total annual jail operating budget or for counties that have issued bonds for the construction of a new jail or renovation of an existing jail and that have met all other requirements under the Maine Revised Statutes, Title 34-A, section 1210-A, subsection 4. The bill proposed that funds distributed to counties pursuant to this bill must be used for the sole purpose of funding costs of the support of prisoners detained or sentenced to county jails and for establishing and maintaining community corrections. The bill proposed that requests for additional funds received from York, Hancock and Somerset counties no later than February 28, 2002 need not be resubmitted to the Department of Corrections. LD 2175 also proposed to include a fiscal note and an appropriations and allocations section and an effective date of August 1, 2002.

Senate Amendment “A” (S-602) proposed that the first \$23,658 collected under the provision imposing the new surcharge be transferred to the Judicial Department to cover the costs of implementing the collection of surcharges.

House Amendment “A” (H-1115) proposed to clarify that it is the Department of Corrections that may approve a county's request for an increase in the amount of state funding the county receives for support of prisoners, and once a request is approved the request and supporting documents must be forwarded to the joint standing committee having jurisdiction over corrections and criminal justice matters.

Enacted law summary

Public Law 2001, chapter 698 was a Criminal Justice Committee bill that creates a new 1% surcharge on all fines, forfeitures and penalties imposed by any court in this State. Funds collected pursuant to Public Law 2001, chapter 698 are nonlapsing and must be deposited monthly in the County Jail Prisoner Support

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and Community Corrections Fund that is administered by the Department of Corrections. Funds collected pursuant to this Public Law must be distributed by the department to counties that have experienced at least a 10% increase in their total annual jail operating budget or for counties that have issued bonds for the construction of a new jail or renovation of an existing jail and that meet all other requirements under the Maine Revised Statutes, Title 34-A, section 1210-A, subsection 4. Funds distributed to counties must be used for the sole purpose of funding costs of the support of prisoners detained or sentenced to county jails and for establishing and maintaining community corrections. Public Law 2001, Chapter 698 specifies that requests for additional funds received from York, Hancock and Somerset counties no later than February 28, 2002 need not be resubmitted to the Department of Corrections. Once a request is approved, the request and supporting documents must be forwarded to the joint standing committee having jurisdiction over corrections and criminal justice matters.

In addition to funds distributed to counties, the first \$23,658 collected under the provision imposing the new surcharge must be transferred to the Judicial Department to cover the costs of implementing the collection of surcharges. Public Law 2001, chapter 698 is effective August 1, 2002.

LD 2201

**An Act to Provide Funding for the Office of the State Fire Marshal
and the Maine Fire Training and Education Program**

**P & S 67
EMERGENCY**

Sponsor(s)

Committee Report
OTP

Amendments Adopted

LD 2201 proposed to provide funds for the operation of the Office of the State Fire Marshal and for the Maine Fire Training and Education Program. The bill proposed to establish a one-year special assessment to be collected from carriers insuring fire risks located in the State. As proposed, this special assessment is designed to provide operating revenues for the Office of the State Fire Marshal and funds for the Maine Fire Training and Education Program for fiscal year 2002-03. The bill proposed that beginning July 1, 2003 every fire insurance company or association that does business or collects premiums or assessments in Maine that paid this special assessment after July 1, 2002 may take a credit against its premium tax owed equal to the special assessment paid in the same month the previous year. LD 2201 also proposed to include a fiscal note.

Enacted law summary

Private and Special Law 2001, chapter 67 provides funds for the operation of the Office of the State Fire Marshal and for the Maine Fire Training and Education Program. Private and Special Law 2001, chapter 67 establishes a one-year special assessment to be collected from carriers insuring fire risks located in the State. This special assessment is designed to provide operating revenues for the Office of the State Fire Marshal and funds for the Maine Fire Training and Education Program for fiscal year 2002-03. Beginning July 1, 2003, every fire insurance company or association that does business or collects premiums or assessments in Maine that paid this special assessment after July 1, 2002 may take a credit against its premium tax owed equal to the special assessment paid in the same month the previous year.

Private and Special Law 2001, chapter 67 was enacted as an emergency measure effective April 8, 2002.

Joint Standing Committee on Criminal Justice

LD 2219

An Act Amending the Membership of the Emergency Medical Services' Board

PUBLIC 713

<u>Sponsor(s)</u>	<u>Committee Report</u>		<u>Amendments Adopted</u>
	OTP	MAJ	
	OTP-AM	MIN	

LD 2219 was a committee bill pursuant to Joint Order, House Paper 1703, and the majority report. LD 2219 proposed to add one representative of a statewide association of fire chiefs to the membership of the Emergency Medical Services' Board.

Committee Amendment “A” (H-1121) proposed to replace the committee bill with a resolve and was the minority report. The amendment proposed to create the Committee to Study the Membership and Practices of the Emergency Medical Services' Board. The amendment proposed that the committee:

1. Be comprised of the members of the Joint Standing Committee on Criminal Justice;
2. Review the composition of the Emergency Medical Services' Board to determine if that board's membership provides a fair and balanced representation to the State; review the practices of the Emergency Medical Services' Board; and review communication and support provided by the Emergency Medical Services' Board to emergency medical services providers and consumers;
3. Submit its report, together with any necessary implementing legislation, to the Legislature no later than November 6, 2002; and
4. Be authorized to introduce legislation related to its report to the First Regular Session of the 121st Legislature.

The amendment also proposed to include an appropriations and allocations section and a fiscal note. This amendment was not adopted.

Joint Standing Committee on Criminal Justice

Enacted law summary

Public Law 2001, chapter 713 adds one representative of a statewide association of fire chiefs to the membership of the Emergency Medical Services' Board. Public Law 2001, chapter 713 was a committee bill pursuant to Joint Order, House Paper 1703.

HP 1731

JOINT ORDER, Relative to the Joint Standing Committee on Criminal Justice shall conduct a study of County Jail Population, Costs and Reimbursement

PASSED

Sponsor(s)
SAXL

Committee Report

Amendments Adopted

Joint Order, HP 1731 was read and passed by the Legislature on April 3, 2002. This Joint Order orders the Joint Standing Committee on Criminal Justice to conduct a study of county jail population, costs and reimbursement. The committee will conduct the study in 4 meetings during the interim. Specifically, the committee shall study:

1. Initiatives for regional cooperation and solutions in building county jails;
2. Population of county jails, overcrowding and growth;
3. State probation violations, where those violations should be served and who should pay for the resulting incarceration;
4. Probation options, graduated sanctions and probation officer case load;
5. Criminal court case loads, whether cases are being handled in a timely fashion and whether there are sufficient judicial resources allocated to handle the current case load;
6. Issues concerning female offenders in county jails;
7. State subsidies that support the operation of county jails and community corrections programs;
8. Alternative sentencing options and sentencing policies; and
9. The population that is being served and populations that are not served by the current county jail system.

The committee shall submit its report, together with any necessary implementing legislation, to the Legislature no later than November 6, 2002.

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